

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ISRAEL RIOS,

Plaintiff,

v.

N.P. JOSEPH DRAGON, MD
NANDKUMAR RAVI,

Defendants.

Case No. 2:20-cv-00146-ADA-HBK (PC)

ORDER DIRECTING REQUEST FOR
WAIVER OF SERVICE

(Doc. No. 69)

Plaintiff Israel Rios—a prisoner within the California Department of Corrections—is proceeding *in forma pauperis* on his First Amended Civil Rights Complaint (Doc. 46) as screened (Doc. No. 63). Rios filed a Notice of Compliance stating that he provided the address for service directly to the Clerk for Defendant Nandkumar Ravi (Ravi), who remains unserved.

Accordingly, it is hereby **ORDERED**:

1. The **Clerk** shall fill in the appropriate fields in a Waiver of Service of Summons forms for Ravi.

2. Within fifteen (15) days of the date of this Order, the **Clerk** shall send **via United States postage prepaid first class mail** to Ravi—at the address provided by Rios—the following: the First Amended Civil Rights Complaint (Doc. 46); the Court’s screening order (Doc. No. 63); a Notice of Lawsuit and Request for Waiver of Service of Summons; a Waiver of Service of Summons form; and this Order. The **Clerk** shall fill in the date of mailing in the

1 Notice of Lawsuit and Request for Waiver of Service of Summons and send a stamped, self-
2 addressed envelope to return the Waiver of Service of Summons form to the Court. All costs of
3 mailing shall be advanced by the United States.

4 Ravi shall have **thirty (30) days** from the date that the Waiver of Service of Summons
5 form was mailed to return it if he chooses to do so. If Ravi chooses to return the Waiver of
6 Service of Summons, he should use the addressed, stamped envelope provided.

7 If Ravi returns the Waiver of Service of Summons form, he shall have **sixty (60) days**
8 from the date that the Waiver of Service of Summons form was mailed in which to answer or
9 otherwise respond to the First Amended Complaint.

10 If Ravi does not return the Waiver of Service of Summons form within thirty (30) days
11 from the date it was mailed, **the U.S. Marshal** thereafter will be directed to personally serve him.
12 Ravi will bear the cost of personal service as set forth in the Federal Rules of Civil Procedure.¹
13 Ravi thereafter shall have **twenty-one (21) days** from the date of personal service of process in
14 which to answer or otherwise respond to the First Amended Complaint.

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16 Dated: November 14, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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27 ¹ Rule 4 makes clear that a defendant “has a duty to avoid unnecessary expenses of serving the summons.” Fed. R.
28 Civ. P. 4(d)(1). Further, if a defendant fails to waive service, without good cause, the Court “must impose” the
expenses incurred in effectuating service. *Id.* at 4(d)(2).